

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

VIRNETX INC., et al	§	
	§	
V.	§	CIVIL NO. 6:12-CV-855
	§	
APPLE INC.	§	

MINUTES FOR FIRST DAY OF TRIAL
HELD BEFORE JUDGE ROBERT W. SCHROEDER III
OCTOBER 27, 2020

OPEN: 9:21 a.m.

ADJOURN: 5:14 p.m.

ATTORNEYS FOR PLAINTIFFS: Brad Caldwell, Justin Curry, Jason Cassidy and Johnny Ward

ATTORNEYS FOR DEFENDANT: Mike Jones, Greg Arovas, Jeanne Heffernan and Robert Appleby

LAW CLERK: Jacob Vannette

COURTROOM DEPUTY: Betty Schroeder

COURT REPORTER: Shelly Holmes

9:16 a.m. Outside the presence of the Court, Mr. Arovas argues dispute over some opening slides

9:23 a.m. Court questions Mr. Arovas; Mr. Arovas responds

9:27 a.m. Mr. Caldwell responds

9:31 a.m. Court questions Mr. Caldwell; Mr. Caldwell responds

9:34 a.m. Court questions Mr. Arovas; Mr. Arovas responds

9:34 a.m. Mr. Caldwell continues with response

9:39 a.m. Mr. Arovas replies

9:44 a.m. Court questions the parties; Mr. Arovas and Mr. Caldwell respond; Court responds - will allow slide

9:52 a.m. Mr. Arovas questions the wording on the heading; Mr. Caldwell responds; Court responds; Mr. Arovas responds

9:54 a.m. Recess

10:00 a.m. Jury seated

10:01 a.m. Court welcomes jury and gives brief comments; jury sworn in

10:03 a.m. Court gives preliminary instructions

10:27 a.m. Court gives trial schedule

10:29 a.m. Mr. Caldwell gives opening statement for Plaintiffs

10:59 a.m. Mr. Arovas gives opening statement for Defendant

11:29 a.m. Court questions the parties regarding agreed exhibits; Mr. Cassidy responds; Court asks if parties want to invoke the rule; Mr. Caldwell does not; Mr. Arovas does; rule is invoked

11:33 a.m. Mr. Caldwell calls Dr. Robert Short; witness sworn in

11:33 a.m. Mr. Caldwell begins direct examination of Dr. Short

12:05 p.m. Jury excused for lunch break

12:06 p.m. Outside the presence of the jury, the Court and Mr. Caldwell discuss the placing of the chart to be used

12:07 p.m. Recess

1:06 p.m. Jury seated

1:09 p.m. Mr. Caldwell continues with direct examination of Dr. Short

1:36 p.m. Mr. Robert Appleby begins cross examination of Dr. Short

2:21 p.m. Mr. Caldwell begins redirect examination of Dr. Short

2:24 p.m. Mr. Appleby begins recross examination of Dr. Short

2:27 p.m. Mr. Austin Curry calls Mark Jones; witness sworn in

2:27 p.m. Mr. Curry begins direct examination of Dr. Jones

2:33 p.m. Mr. Curry offers Dr. Jones as an expert in computer networking; no objections

3:07 p.m. Recess

3:24 p.m. Jury seated

3:26 p.m. Mr. Curry continues with direct examination of Dr. Jones

3:30 p.m. Mr. Arovas begins cross examination of Dr. Jones

4:07 p.m. Mr. Curry begins redirect examination of Dr. Jones

4:11 p.m. Mr. Arovas begins recross examination of Dr. Jones

4:13 p.m. Mr. Jason Cassidy calls Edmund “Gif” Munger by deposition

4:40 p.m. Jury excused for the day

4:41 p.m. Recess

4:49 p.m. Outside the presence of the jury, Ms. Heffernan argues Defendant’s Motion to Strike Supplemental Report of Mr. Weinstein (dkt. #956); Court questions Ms. Heffernan; Ms. Heffernan responds

4:59 p.m. Mr. Cassidy responds; Court questions Mr. Cassidy; Mr. Cassidy responds

5:06 p.m. Ms. Heffernan replies

5:10 p.m. Mr. Cassidy responds; Ms. Heffernan replies

5:12 p.m. Court responds - will grant the motion and strike the opinion

5:12 p.m. Mr. Jones advises the Court of an agreement with the Plaintiff regarding MIL with regard to Mr. Larsen; Mr. Caldwell agrees

5:14 p.m. Recess